

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

DURRELL ANTHONY PUCKETT,  
Plaintiff,  
v.  
BARAONA, *et al.*,  
Defendants.

Case No. 1:21-cv-01448-ADA-BAM (PC)  
**ORDER RESETTING DEADLINE FOR  
PLAINTIFF TO FILE MOTION TO  
SUBSTITUTE AND PROPOSED SECOND  
AMENDED COMPLAINT WITH  
INFORMATION IDENTIFYING DOE  
DEFENDANTS**  
**SIXTY (60) DAY DEADLINE**

Plaintiff Durrell Anthony Puckett (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against: (1) Defendants A. Baraona, R. Burnitzki,<sup>1</sup> R. Leos, H. Hernandez, E. Diaz, and Doe 1 for excessive force in violation of the Eighth Amendment; (2) Defendants R. Leos, for sexual assault in violation of the Eighth Amendment; and (3) Defendants A. Ruiz, R. Martinez, E. Ruiz, G. Meier,<sup>2</sup> R. Gutierrez, J. Cruz, K. Allison (Cronister), and Jane Doe Nurse for failure to protect in violation of the Eighth Amendment. All named defendants answered the complaint, (ECF No. 51), and discovery is now open, (ECF No. 56.)

///

---

<sup>1</sup> Erroneously sued as “Burneszki.”

<sup>2</sup> Erroneously sued as “Meiers.”

1 On March 17, 2022, the Court directed Plaintiff to provide the Court with written notice  
2 identifying Defendants Doe 1 and Jane Doe Nurse with enough information to locate those  
3 defendants for service of process. (ECF No. 21.) When Plaintiff failed to provide such written  
4 notice, the Court issued an order requiring Plaintiff to show cause why Defendants Doe 1 and  
5 Jane Doe Nurse should not be dismissed for failure to prosecute. (ECF No. 44.) Plaintiff  
6 responded, stating that he could not get the names of the Doe Defendants until discovery, and  
7 provided some limited identifying information about Defendants Jane Doe Nurse and Doe 1.  
8 (ECF No. 48.)

9 The Court construed Plaintiff's response as a request for an extension of time to identify  
10 the Doe Defendants until discovery opened, and found it appropriate to extend the deadline for  
11 Plaintiff to identify the Doe Defendants. (ECF No. 49.) Now that discovery has been opened  
12 pursuant to the Court's October 24, 2022 discovery and scheduling order, the Court will reset the  
13 deadline for Plaintiff to provide the Court with identifying information for the two Doe  
14 Defendants.

15 Once Plaintiff identifies Defendants Doe 1 and Jane Doe Nurse, he should file a motion to  
16 substitute the identities of Defendants Doe 1 and Jane Doe Nurse, together with a proposed  
17 second amended complaint that includes their names in place of Doe 1 or Jane Doe Nurse. If  
18 Plaintiff provides enough information to locate the defendants for service of process, the motion  
19 to substitute will be granted and the Court will direct the U.S. Marshal to serve these defendants.  
20 However, if Plaintiff fails to identify Defendants Doe 1 and Jane Doe Nurse, then any  
21 unidentified defendant(s) will be dismissed from this action.

22 Accordingly, IT IS HEREBY ORDERED that:

- 23 1. Within **sixty (60) days** from the date of service of this order, Plaintiff shall file a motion  
24 to substitute the identities of Defendants Doe 1 and Jane Doe Nurse that provides the  
25 Court with enough information to locate them for service of process, together with a  
26 proposed second amended complaint substituting the names of Defendants Doe 1 and Jane  
27 Doe Nurse; and

28 ///

- IT IS SO ORDERED.

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE